

RESOLUTION NO. 2010-04

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF SEDONA, ARIZONA, AUTHORIZING THE CITY MANAGER TO ACQUIRE CERTAIN PARCELS OF PRIVATE PROPERTY FOR THE PURPOSE OF ESTABLISHING, LAYING OUT, CONSTRUCTING AND INSTALLING OPERATING AND MAINTAINING A SEWER LIFT STATION AND RELATED INFRASTRUCTURE AND DECLARING A LAWFUL PUBLIC PURPOSE AND NECESSITY FOR THE ACQUISITION OF SUCH PRIVATE PROPERTY THROUGH CONDEMNATION.

WHEREAS, portions of real property described as Parcels F and G as depicted in the attached exhibits., constitute a necessary location for relocation of a sewer lift station serving numerous property owners and citizens., and

WHEREAS, if said property and associated easements cannot be obtained through informal negotiations with private property owners, the commencement of condemnation proceedings will be necessary.

NOW THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF SEDONA, ARIZONA , AS FOLLOWS:

1. The Recitals set forth above are true and accurate statements and are incorporated herein by reference.
2. It is deemed essential as a matter of public welfare that the subject property be acquired by the City of Sedona for the aforementioned reasons and purposes. The Mayor and City Council hereby find that the public necessity, safety and convenience require the establishment, laying out, construction and installation of a sewer lift station and any associated public easements over and leading to and from the subject property.
3. The acquisition of the subject property and all real property interests connected thereto is hereby authorized by eminent domain, if attempts to acquire the subject real property by means of a negotiated purchase fail.
4. The City Manager or his designee is expressly authorized to approve revised or substituted legal descriptions and specify additional or other property interests to be acquired for this project, provided however, that the City Manager may not increase the total area of all property taken as authorized by this resolution by more than 25% without further authority from this Council.
5. Should, in the opinion of the City Manager, a negotiated purchase for a fair and reasonable price of the subject property not be feasible, the appropriate City officials are authorized and directed to take all legal action necessary to acquire title to the subject real property described herein under the power of eminent domain.

6. The duly authorized disbursing agents of the City of Sedona are hereby authorized and directed to pay all sums that may be necessary to acquire the above-described property and any allowable additions thereto, including without limitation, expenditures for title reports, surveys, appraisal and review appraisal services, title insurance, escrow fees and all closing costs necessary for the acquisition of said parcels of real property and all real property interests connected thereto.

PASSED AND ADOPTED this 26 day of January, 2010, by the Mayor and Council of the City of Sedona, Arizona.

Rob Adams, Mayor

ATTEST:

City Clerk

APPROVED AS TO FORM:

City Attorney